

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 24-60119-CIV-DIMITROULEAS

In Re PETITION OF PINEWOOD TECHNOLOGIES
ASIA PACIFIC LIMITED FOR JUDICIAL
ASSISTANCE PURSUANT TO 28 U.S.C. § 1782

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ORDER ADOPTING REPORT OF MAGISTRATE JUDGE

THIS CAUSE is before the Court upon the Motion to Quash Subpoena by Respondent William Berman [DE 21] and the Motion for Protective Order or Alternatively Motion to Stay by Respondent William Berman [DE 22] (the “Motions”), which were referred to Magistrate Judge Patrick M. Hunt, along with the entirety of this case, for Report and Recommendation or ruling. [DE 9]. The Court has considered the Motions and the November 19, 2024 Report of Magistrate Judge Hunt (the “Report”) [DE 39]. The Court has conducted a *de novo* review of the Report [DE 39], the Objections [DE 40], and the Response [DE 41], and is otherwise fully advised in the premises.

A party seeking to challenge the findings in a report and recommendation of a United States Magistrate Judge must file “written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 783 (11th Cir. 2006) (quoting *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989)). “It is critical that the objection be sufficiently specific and not a general objection to the report.” *Macort*, 208 F. App’x at 784 (citing *Goney v. Clark*, 749 F.2d 5, 7 (3d Cir. 1984)). If a party makes a timely and specific objection to a finding in the report and recommendation, the district court must conduct a *de novo* review of the portions of the report

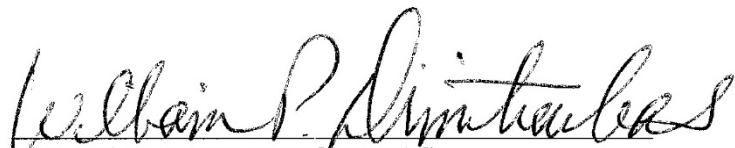
to which objection is made. *Macort*, 208 F. App'x at 783-84; see also 28 U.S.C. § 636(b)(1). The district court may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. *Macort*, 208 F. App'x at 784; 28 U.S.C. § 636(b)(1). Accordingly, the Court has undertaken a *de novo* review of the record and Objections to Magistrate Judge's Report and Recommendation.

After a careful review, the Court agrees with the reasoning and conclusion of the Magistrate Judge that the Motion to Quash Subpoena [DE 21] should be granted. The Court is not persuaded by the Plaintiff's objections. As to the Motion for Protective Order or Stay [DE 22], the Motion requests that this Court "enter an Order prohibiting PTAP from obtaining the documents it seeks under the Subpoena and taking the deposition of Berman, pending resolution of the Motion to Quash Subpoena, or staying the discovery until that time, so he may have an opportunity to be heard on the propriety (or, more particularly, the lack thereof) of the discovery sought." See [DE 22]. In light of the Court's finding as to the Motion to Quash [DE 21], the Court finds that the Motion for Protective Order or Stay [DE 22] should be denied as moot.

For the foregoing reasons, it is **ORDERED AND ADJUDGED** as follows:

1. The Report [DE 39] is hereby **ADOPTED and APPROVED** in part as follows:
 - a. The Motion to Quash Subpoena [DE 21] is **GRANTED**;
 - b. The Motion for Protective Order or to Stay [DE 22] is **DENIED** as **MOOT**.
2. The Objections [DE 40] are **OVERRULED**.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 7th of January, 2025.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies provided to:

Counsel of Record